

104TH CONGRESS
1ST SESSION

H. R. 452

To strengthen the Foreign Agents Registration Act of 1938, as amended.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1995

Mr. TRAFICANT introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To strengthen the Foreign Agents Registration Act of 1938,
as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. STRENGTHENING THE FOREIGN AGENTS REG-**
4 **ISTRATION ACT OF 1938, AS AMENDED.**

5 (a) DEFINITIONS.—

6 (1) AGENT OF A FOREIGN PRINCIPAL.—

7 (A) IN GENERAL.—Section 1(c) of the
8 Foreign Agents Registration Act of 1938, as
9 amended (22 U.S.C. 611(c)), is amended—

1 (i) by striking “agent of a foreign
2 principal” each place it appears and insert-
3 ing “representative of a foreign principal”;

4 (ii) in paragraph (1)(iv), by striking
5 “and” after the semicolon at the end;

6 (iii) in paragraph (2), by striking the
7 period at the end and inserting “; and”;
8 and

9 (iv) by adding at the end the follow-
10 ing:

11 “(3) any person who engages in political activi-
12 ties for purposes of furthering commercial, indus-
13 trial, or financial operations with a foreign principal.
14 For purposes of clause (1), a foreign principal shall be
15 considered to control a person in major part if the foreign
16 principal holds more than 50 percent equitable ownership
17 in such person or, subject to rebuttal evidence, if the for-
18 eign principal holds at least 20 percent but not more than
19 50 percent equitable ownership in such person.”.

20 (B) FURTHER DEFINITION.—Section 1(d)
21 of that Act (22 U.S.C. 611(d)) is amended to
22 read as follows:

23 “(d) The term ‘representative of a foreign principal’
24 does not include—

1 “(1) any news or press service or association
2 organized under the laws of the United States or of
3 any State or other place subject to the jurisdiction
4 of the United States, or any newspaper, magazine,
5 periodical, or other publication for which there is on
6 file with the United States Postal Service informa-
7 tion in compliance with section 3685 of title 39,
8 United States Code, published in the United States,
9 solely by virtue of any bona fide news or journalistic
10 activities, including the solicitation or acceptance of
11 advertisements, subscriptions, or other compensation
12 therefor, so long as it is at least 80 percent bene-
13 ficially owned by, and its officers and directors, if
14 any, are citizens of the United States, and such
15 news or press service or association, newspaper mag-
16 azine, periodical, or other publication, is not owned,
17 directed, supervised, controlled, subsidized, or fi-
18 nanced, and none of its policies are determined by
19 any foreign principal defined in subsection (b) of
20 this section, or by any representative of a foreign
21 principal required to register under this Act; or

22 “(2) any incorporated, nonprofit membership
23 organization organized under the laws of the United
24 States or of any State or other place subject to the
25 jurisdiction of the United States that is registered

1 under section 308 of the Federal Regulation of Lob-
2 bying Act and has obtained tax-exempt status under
3 section 501(c) of the Internal Revenue Code of 1986
4 and whose activities are directly supervised, directed,
5 controlled, financed, or subsidized in whole by citi-
6 zens of the United States.”.

7 (2) POLITICAL PROMOTIONAL OR INFORMA-
8 TIONAL MATERIALS.—Section 1(j) of that Act (22
9 U.S.C. 611(j)) is amended—

10 (A) in the matter preceding clause (1), by
11 striking “propaganda” and inserting “pro-
12 motional or informational materials”; and

13 (B) in clause (1), by striking “prevail
14 upon, indoctrinate, convert, induce, or in any
15 other way” and inserting “in any way”.

16 (3) POLITICAL ACTIVITIES.—Section 1(o) of
17 that Act (22 U.S.C. 611(o)) is amended—

18 (A) by striking “prevail upon, indoctrinate,
19 convert, induce, persuade, or in any other way”
20 and inserting “in any way”; and

21 (B) by striking “or changing the domestic
22 or foreign” and inserting “enforcing, or chang-
23 ing the domestic or foreign laws, regulations,
24 or”.

1 (4) POLITICAL CONSULTANT.—Section 1(p) of
2 that Act (22 U.S.C. 611(p)) is amended—

3 (A) by inserting “(1)” after “any person”;

4 and

5 (B) by inserting before the semicolon at
6 the end the following: “, or (2) who distributes
7 political promotional or informational materials
8 to an officer or employee of the United States
9 Government, in his or her capacity as such offi-
10 cer or employee”.

11 (5) SERVING PREDOMINANTLY A FOREIGN IN-
12 TEREST.—Section 1(q) of that Act (22 U.S.C.
13 611(q)) is amended—

14 (A) by striking “and” at the end of clause

15 (ii) of the proviso; and

16 (B) by inserting before the period at the
17 end the following: “, and (iv) such activities do
18 not involve the representation of the interests of
19 the foreign principal before any agency or offi-
20 cial of the Government of the United States
21 other than providing information in response to
22 requests by such agency or official or as a nec-
23 essary part of a formal judicial or administra-
24 tive proceeding, including the initiation of such
25 a proceeding.”.

1 (b) SUPPLEMENTAL REGISTRATION.—Section 2(b) of
2 that Act (22 U.S.C. 612(b)) is amended—

3 (1) in the first sentence by striking “, within
4 thirty days” and all that follows through “preceding
5 six months’ period” and inserting “on January 31
6 and July 31 of each year file with the Attorney Gen-
7 eral a supplement thereto under oath, on a form
8 prescribed by the Attorney General, which shall set
9 forth regarding the six-month periods ending the
10 previous December 31, and June 30, respectively, or,
11 if a lesser period, the period since the initial filing,”;
12 and

13 (2) by inserting after the first sentence the fol-
14 lowing new sentence: “Any registrant using an ac-
15 counting system with a fiscal year which is different
16 from the calendar year may petition the Attorney
17 General to permit the filing of supplemental state-
18 ments at the close of the first and seventh month of
19 each such fiscal year in lieu of the dates specified by
20 the preceding sentence.”.

21 (c) REMOVAL OF EXEMPTION FOR CERTAIN COUN-
22 TRIES.—Section 3(f) of that Act (22 U.S.C. 613(f)) is re-
23 pealed.

24 (d) LIMITING EXEMPTION FOR LEGAL REPRESENTA-
25 TION.—Section 3(g) of that Act (22 U.S.C. 613(g)) is

1 amended by striking “or any agency of the Government
2 of the United States” and all that follows through “infor-
3 mal” and inserting “or before the Patent and Trademark
4 Office, including any written submission to that Office”.

5 (e) NOTIFICATION OF RELIANCE ON EXEMPTIONS.—
6 Section 3 of that Act (22 U.S.C. 613) is amended by add-
7 ing at the end the following:

8 “Any person who does not register under section 2(a)
9 on account of any provision of subsections (a) through (g)
10 of this section shall so notify the Attorney General in such
11 form and manner as the Attorney General prescribes.”.

12 (f) CIVIL PENALTIES AND ENFORCEMENT PROVI-
13 SIONS.—Section 8 of that Act (22 U.S.C. 618) is amended
14 by adding at the end the following:

15 “(i)(1) Any person who is determined, after notice
16 and opportunity for an administrative hearing—

17 “(A) to have failed to file when such filing is
18 required a registration statement under section 2(a)
19 or a supplement thereto under section 2(b),

20 “(B) to have omitted a material fact required to
21 be stated therein, or

22 “(C) to have made a false statement with re-
23 spect to such a material fact,

24 shall be required to pay for each violation committed a
25 civil penalty of not less than \$2,000 and not more than

1 \$1,000,000. In determining the amount of the penalty, the
2 Attorney General shall give due consideration to the na-
3 ture and duration of the violation.

4 “(2)(A) Whenever the Attorney General has reason
5 to believe that any person may be in possession, custody,
6 or control of any documentary material relevant to an in-
7 vestigation regarding any violation of paragraph (1) of
8 this subsection or of section 5, the Attorney General may,
9 before bringing any civil or criminal proceeding thereon,
10 issue in writing, and cause to be served upon such person,
11 a civil investigative demand requiring such person to
12 produce such material for examination.

13 “(B) Civil investigative demands issued under this
14 paragraph shall be subject to the applicable provisions of
15 section 1968 of title 18, United States Code.”.

16 (g) CHANGE IN SHORT TITLE OF THE ACT.—Section
17 14 of that Act (22 U.S.C. 611 note) is amended by strik-
18 ing “Foreign Agents Registration Act of 1938, as amend-
19 ed” and inserting “Foreign Interests Representation Act”.

20 **SEC. 2. CONFORMING AMENDMENTS.**

21 (a) REFERENCES TO AGENT OF A FOREIGN PRIN-
22 CIPAL.—The Foreign Interests Representation Act is
23 amended—

1 (1) by striking “agent of a foreign principal”
2 each place it appears and inserting “representative
3 of a foreign principal”;

4 (2) by striking “agents of foreign principals”
5 each place it appears and inserting “representatives
6 of foreign principals”;

7 (3) by striking “agent of such principal” each
8 place it appears and inserting “representative of
9 such principal”; and

10 (4) by striking “such agent” each place it ap-
11 pears and inserting “such representative”.

12 (b) REFERENCES TO POLITICAL PROPAGANDA.—

13 (1) The paragraph preceding section 1 of the
14 Foreign Interests Representation Act is amended by
15 striking “propaganda” and inserting “political”.

16 (2) The Foreign Interests Representation Act
17 (other than the paragraph amended by paragraph
18 (1) of this subsection) is amended by striking “prop-
19 aganda” each place it appears and inserting “pro-
20 motional or informational materials”.

21 (c) REFERENCES TO THE ACT.—

22 (1) Section 207(f)(2) of title 18, United States
23 Code, is amended by striking “Foreign Agents Reg-
24 istration Act of 1938, as amended,” and inserting
25 “Foreign Interests Representation Act”.

1 (2) Section 219 of title 18, United States Code,
2 is amended—

3 (A) in subsection (a) by striking “agent of
4 a foreign principal required to register under
5 the Foreign Agents Registration Act of 1938,
6 as amended,” and inserting “representative of a
7 foreign principal required to register under the
8 Foreign Interests Representation Act”; and

9 (B) in subsection (b)—

10 (i) by striking “agent of a foreign
11 principal” and inserting “representative of
12 a foreign principal”;

13 (ii) by striking “such agent” and in-
14 serting “such representative”; and

15 (iii) by striking “Foreign Agents Reg-
16 istration Act of 1938, as amended” and in-
17 serting “Foreign Interests Representation
18 Act”.

19 (3) Section 5210(4) of the Competitiveness Pol-
20 icy Council Act (15 U.S.C. 4809(4)) is amended—

21 (A) by striking “agent of a foreign prin-
22 cipal” and inserting “representative of a foreign
23 principal”; and

24 (B) by striking “subsection (d) of the first
25 section of the Foreign Agents Registration Act

1 of 1938 (22 U.S.C. 611)” and inserting “sec-
2 tion 1(d) of the Foreign Interests Representa-
3 tion Act (22 U.S.C. 611(d)),”.

4 (4) Section 34(a) of the Trading With the
5 Enemy Act (50 U.S.C. App. 34(a)) is amended by
6 striking “Act of June 8, 1934 (ch. 327, 52 Stat.
7 631), as amended” and inserting “Foreign Interests
8 Representation Act”.

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